

Appl. No. 10/798,582
Response dated Feb. 26, 2007
Reply to Rest. Req. dated Jan. 26, 2007

REMARKS/ARGUMENTS

1. The Examiner issued a restriction requirement requiring Applicant to select from one of three inventions allegedly recited in the claims of the present application. The Examiner asserts that the following groupings of claims recite three distinct inventions:

- Group I: Claims 1-27;
- Group II: Claims 28-29; and
- Group III: Claims 30-31.

Reconsideration of this application is respectfully requested in view of the remarks provided herein.

2. Responsive to the restriction requirement, Applicant provisionally elects the claims in Group I (i.e., claims 1-27) for examination, with traverse. In addition, for the reasons set forth below, Applicant respectfully requests that the Examiner reconsider his groupings of claims and revise such groupings as follows:

- Group I: Claims 1-27 and 30-31; and
- Group II: Claims 28-29.

As the sole basis for restricting claims 30-31 from the invention recited in claims 1-27, the Examiner asserts that the apparatus recited in claims 1-27 "is not limited to cleaning a water retaining device, and could be used to deliver cleaning agents to the surface of an automobile or a variety of other objects." (See Detailed Action ¶ 2.) Applicant disagrees.

As is clear from the express recitations of independent claims 1, 16, 22, and 26 (presently in the Examiner's Group I set of claims), said claims are directed to systems for "cleaning components of a water retaining device" (claims 1, 16, and 22) or for "cleaning components of a hydro-massage tub" (claim 26), which tub is clearly a water retaining device. Each of claims 1, 16, 22, and 26 clearly include limitations therein that require the claimed system to operate to clean components of the water retaining device, as opposed to some other object as proposed by the Examiner. For example, in independent claim 1, the "at least one supply valve" is expressly coupled between the components of the *water retaining device* and the tank to control a flow of

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the diluted solution to the components of the *water retaining device*. Similar limitations are present in independent claims 16, 22, and 26. Thus, the Examiner's assertion that Applicant's system, as recited in any of claims 1-27, can be used to clean the surface of an automobile or a variety of other objects is clearly unsupported by the express recitations of Applicant's claims.

By the same token, independent claim 30 (presently in the Examiner's Group III set of claims) is directed to a method for cleaning components of a *water retaining device*. Thus, like independent claims 1, 16, 22, and 26, which are limited to systems for cleaning components of a water retaining device, Applicant's claims 30-31 are also limited to cleaning components of a water retaining device.

The Examiner suggests that there would be a serious burden upon the Examiner to examine additional claims 30-31 when already examining claims 1-27. However, the Examiner admits that the invention recited in claims 1-27 is related to the invention recited in claims 30-31 as an apparatus for practicing the process recited in claims 30-31. (See Detailed Action ¶ 2.) As a result, the Examiner has not shown any "serious burden." Moreover, as detailed above, the Examiner fails to show how the apparatus recited in claims 1-27 can be used to practice another and *materially different* process as required by M.P.E.P. § 806.05(e). The Examiner's assertions that Applicant's claimed apparatus can be used to clean an automobile or any other object are without any support in Applicant's claims or specification.

In view of the foregoing, Applicant submits that the Examiner's grouping of claims and present 3-way restriction requirement are improper. Applicant submits that, if any restriction may be considered at all, such restriction must be limited to two groups of claims, one group containing claims 1-27 and 30-31 and the other group containing claims 28-29.¹

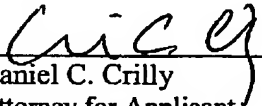
In the event that the Examiner revises the groupings of claims in view of the foregoing, Applicant respectfully elects the claims in revised Group I (i.e., claims 1-27 and 30-31) for examination, without traverse; provided however, Applicant reserves the right to timely file a divisional application directed to the subject matter recited in claims 28-29.

¹ Applicant also notes that the Examiner would clearly not suffer any "serious burden" by examining claims 28-29 because, by examining claims 1, 7, 10 and 11, the Examiner is already analyzing the prior art for all the elements recited in claims 28 and 29.

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3. The Examiner is invited to contact the undersigned by telephone, facsimile or email if the Examiner believes that such a communication would advance the prosecution of the instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

By: 
Daniel C. Crilly
Attorney for Applicant
Reg. No.: 38,417
BRINKLEY, MORGAN, SOLOMON,
TATUM, STANLEY, LUNNY, &
CROSBY, LLP
200 East Las Olas Blvd., Suite 1900
Ft. Lauderdale, FL 33301
Phone: (954) 522-2200/Fax: (954) 522-9123
Email: daniel.crilly@brinkleymorgan.com

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